



## MARYLAND DEPARTMENT OF THE ENVIRONMENT

Oil Control Program, Suite 620, 1800 Washington Blvd., Baltimore MD 21230-1719

410-537-3442 • 410-537-3092 (fax)

1-800-633-6101

Robert L. Ehrlich, Jr.  
Governor

Kendl P. Philbrick  
Secretary

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Lt. Governor

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Deputy Secretary

August 10, 2004

### CERTIFIED MAIL

Mr. Jack Almony  
Fallston Service Center  
602 Fallston Road  
Fallston MD 21047

**RE: Notice of Violation NV-2005-007**  
**Case No. 9-0816-HA**  
**Fallston Service Center**  
**602 Fallston Road**  
**Fallston, Maryland**

Dear Mr. Almony:

The Maryland Department of the Environment (MDE) - Oil Control Program recently completed a review of the active case for your property, located at the above-referenced address in Harford County. Field observation reports have shown evidence of a petroleum release related to the underground storage tank (UST) system at the Fallston Service Center. In June 1999, groundwater samples collected from two tank field monitoring pipes detected benzene at 34 to 63 parts per billion (ppb) and methyl tertiary-butyl ether (MTBE) at 34,000 to 60,200 ppb. Several compliance assistance inspections (May 14, 2001, September 13, 2002, June 25, 2004) identified ongoing problems with cracked monitoring pipes and the tank field sumps and tank pits. Benzene concentrations exceeded the State and federal Maximum Contaminant Level of 5 ppb, and MTBE levels exceeded the U.S. Environmental Protection Agency's health advisory of 20 to 40 ppb. Groundwater sample results from an off-site property also indicated evidence of a release of petroleum product. In fact, the routine sample collection by MDE - Water Management Administration from the adjacent non-community well located at the Fallston Presbyterian Church and Fallston Pre-Kindergarten School on 600 Fallston Road detected MTBE, a common fuel oxygenate, above the Department's action level of 20 ppb.

The aforementioned findings constitute a violation of Maryland law, specifically, Code of Maryland Regulations (COMAR) 26.10.01.02A. Based on this violation, the Department's Oil Control Program hereby requires you to comply with the following interim strategies. Additionally, the Department will assume control for sampling the carbon filtration system for the 600 Fallston Road property (i.e. Fallston Presbyterian Church and Fallston Pre-Kindergarten School).



1) **Outstanding Compliance Issue**

During the September 13, 2002 compliance assistance inspection, the Department requested that cathodic protection testing be performed on the UST system, in accordance with COMAR 26.10.03.08B(2) and (3). To date, this activity has not been completed. Please provide a copy of this report within five (5) days of receipt of this Notice.

On June 25, 2004, the Department conducted a compliance assistance inspection. The following corrective actions were required for the non-compliance issues identified on-site:

- Pump out the tank field sumps, the diesel fuel tank, and the center gasoline tank;
- Maintain spill catchment basins; and
- Replace gripper plugs on the two shallow monitoring wells (located one foot apart).

2) **Environmental Site Assessment**

Provide a detailed *Work Plan* for the hydrogeologic environmental investigation at the Fallston Road property no later than August 30, 2004. This in-depth work plan must thoroughly assess the vertical and lateral extent of petroleum contamination in soils and groundwater associated with the Fallston Service Center. Consideration must also be given to the migration of dissolved phase petroleum hydrocarbons off-site, via groundwater and any preferential subsurface pathways. At a minimum, samples must be analyzed for full-suite volatile organic compounds (VOCs) using EPA Method 524.2 for drinking water wells and EPA Method 8260 for soil and groundwater samples collected from monitoring wells, tank field monitoring pipes, and temporary well points. Samples collected must also be analyzed for total petroleum hydrocarbons-diesel and gasoline-range organics (TPH-DRO and TPH-GRO) using EPA Method 8015B.

- a) The *Work Plan* must outline a detailed schedule of all the work necessary to implement and complete the subsurface investigation. The schedule must specify the dates and time frames for implementing and completing each phase of the approved *Work Plan*. Please note that the Oil Control Program must be notified of any changes to the implementation schedule.
- b) Following departmental approval of the in-depth *Work Plan*, immediately implement activities for assessing the site to define the extent of any free product and/or dissolved phase petroleum hydrocarbons. Please provide the Oil Control Program at least five (5) days prior notification, so that we may have an opportunity to observe field activities.
- c) Submit an environmental assessment report no later than October 11, 2004 detailing hydrogeologic and geologic on-site and off-site conditions. Include a description of local aquifers of concern, overland flow across the property, and aquifer parameters such as: permeability; hydraulic conductivity; gradient; and rates of groundwater flow. Provide soil and groundwater sampling results; boring logs annotated with field screening results and lithologic descriptions; the results of geophysical investigations and well surveys; fracture trace analysis; illustrative maps showing groundwater interpretations (e.g. groundwater contoured maps, cross-sections of geologic and hydrologic conditions) and other pertinent qualitative and/or quantitative discussions.

3) **Corrective Action Plan**

Based on the results of the environmental assessment, a Corrective Action Plan (CAP) must be designed to mitigate any potential risk to human health and the environment. The Department will require a CAP to capture, contain, and reduce the migration of the existing groundwater contaminant plume. Immediately upon approval or as directed by the Department, the CAP must be implemented. Results must be monitored, evaluated, and reported in accordance with the Department's *Maryland Environmental Assessment Technology (MEAT) for Leaking Underground Storage Tanks* document, which may be accessed at:

[http://www.mde.state.md.us/assets/document/MEAT\\_Guidance.pdf](http://www.mde.state.md.us/assets/document/MEAT_Guidance.pdf)

Please note that the Department must approve all remediation activities prior to their implementation, discontinuance, or temporary shutdown.

4) **Groundwater Treatment System for the Fallston Presbyterian Church/Fallston Pre-Kindergarten School**

The groundwater sample collected from the drinking water well serving the Fallston Presbyterian Church and Fallston Pre-Kindergarten school detected MTBE at concentrations ranging between 229 parts per billion (ppb) in March 2003 to 124 ppb in February 2004. A confirmatory sample collected in March 2004 detected MTBE at 171 ppb. It is our understanding that since MTBE was detected at levels exceeding the State and federal action level of 20 ppb, the property owner/operator of the 600 Fallston Road property has been providing bottled water to users of this non-community well for drinking water purposes. In addition, in early-July 2004, the Department received notification from Mr. Emory Reid, contractor for the Fallston Presbyterian Church, that a carbon filtration system was installed in the water supply system for the Pre-Kindergarten and the Church.

- a) The MDE-Oil Control Program has determined that environmental conditions at 600 Fallston Road warrant the State assuming control for sampling of this non-community well since MTBE levels were detected above the Department's action level of 20 ppb.
- b) Under Section 4-405(c) of the Environment Article, Annotated Code of Maryland, the Department shall assume control of any spill situation when it determines that the responsible party is not acting promptly to remove the spill or is not undertaking removal or mitigation in a manner appropriate to control or rectify the conditions constituting the emergency or hazard involved. The Department hereby assumes control for groundwater sampling at the 600 Fallston Road property and intends to retain the services of one or more environmental companies to perform monthly sampling of the carbon systems (pre-, mid- and post-treatment) for volatile organic compounds using EPA Method 524.2.

However, the Church will be responsible for the operation and maintenance of the granular-activated carbon (GAC) filter system on this non-community well until a determination has been made as to who is the responsible party for this MTBE impact.

**5) Cost Recovery**

Pursuant to Sections 4-408 and 411(f) of the Environment Article, Annotated Code of Maryland, the cost of labor, equipment, operation, materials and any other costs incurred in containment, cleanup, removal, and restoration work resulting from the discharge of oil, petroleum products and their by-products shall be reimbursed to the State by the person responsible for the discharge. If the Department determines that you, as the owner of the property, are a potential responsible party (PRP) as defined under COMAR 26.10.02, you will be subject to legal sanctions by the Department for cost recovery.

Please note that you have the right to assume responsibility at any time for the maintenance of the carbon treatment systems and future sampling activities at adjacent properties if a determination is made at a future date that you are indeed the responsible party. If you choose to perform the actions outlined in Items 4a and 4b above, please provide written notification to the Oil Control Program. Submit copies of the laboratory results to the Oil Control Program, Harford County Department of Health, and the property owner within thirty (30) days of each sampling event.

Please note that all information, data, reports or plans related to the 602 Fallston Road property must be submitted to the Oil Control Program for review by dates specified and/or agreed upon with the Department. Failure to perform the advised corrective actions (Items 1 thru 5) will result in additional enforcement proceedings that could include the issuance of civil penalties and other legal sanctions. If you have any questions, please contact the Regional Supervisor, Susan Bull, at 410-537-3499 or via E-mail at: [sbull@mde.state.md.us](mailto:sbull@mde.state.md.us).

Sincerely,

Yolande J.C. Norman, Chief  
Remediation Division  
Oil Control Program

YJCN/nln

cc: Ms. Susan Kelly (Harford County Health Department)  
Ms. Susan Lloyd (Fallston Pre-Kindergarten School)  
Reverend Mitch Miller (Fallston Presbyterian Church)  
Mr. Barry O'Brien  
Mr. Herbert Meade  
Mr. Horacio Tablada